

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U. S. Postal Service, with sufficient postage as First Class mail in an envelope addressed to: Office of Petitions, Mail Stop Petition Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on this 26th day of July, 2004.

Irene Smith

(Print Name)

Irene Smith

(Signature)

Customer Number

24024

**PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Zapushek

Serial No.: 09/780,536

Filed: February 12, 2001

For: PIN LOCKING DEVICE & METHOD
OF LOCKING

Attorney Docket No.: 27475/04679

Art Group: 3676

Examiner: S. Barrett

Confirmation No.: 8389

**TRANSMITTAL OF PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(B)**

Mail Stop Petition
Commissioner of Patents
Alexandria, Virginia 22313-1450

Transmitted herewith are the following:

1. Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b);
2. Amendment after Final;
3. Statement of Facts in support of petition;
4. Copy of Prior Petition and Statement of Facts
5. Copy of Decision on Petition; and
6. Return Receipt Postcard.

It is believed that no further fee is required relating to the filing of these documents. If this is not the case, the Patent Office is hereby authorized to charge any related fee to Deposit Account No. 03-0172. A duplicate copy of this sheet is attached.

Respectfully submitted,

Date: 7/26/04

By: *D. McKnight*
Douglas B. McKnight, Reg. No. 50,447
216/622-8559

Certificate of Mailing

I hereby certify that this document is being deposited with the U.S. Postal Service as first class mail, in an envelope addressed to the Commissioner for Patents, MS Petition, P.O. Box 1450, Alexandria, Virginia 22313, on this 26th day of July, 2004.

Typed or Printed name of person signing this certificate:

Irene Smith

Irene Smith

Customer Number

24024

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Zapushek

Serial No.: 09/780,536

Filed: February 12, 2001

For: PIN LOCKING DEVICE & METHOD
OF LOCKING

Attorney Docket No.: 27475/04679

:
:
:
:
:
:
:
:
:
:

Art Group: 3676

Examiner: S. Barrett

Confirmation No.: 8389

**STATEMENT OF FACT IN SUPPORT OF PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

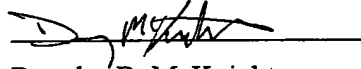
Mail Stop Petition
Commissioner of Patents
Alexandria, Virginia 22313-1450

Dear Sir:

Abandonment of the above-identified application for failure to timely respond to the Office Action dated June 23, 2003 was unintentional as Applicant have not received the Office Action. Applicants submit herewith a copy of the Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action, including a Statement of Facts, which was submitted on April 27, 2004. Applicants received a decision on the petition on June 7, 2004. Subsequent to the receipt of the decision, Applicants' counsel had multiple discussions with the Special Programs Examiner regarding the merits of the decision. Although Applicants disagree with the decision, and withhold the right to contest the decision, Applicants have nevertheless filed the Petition attached hereto in order to place the application back in good standing. Furthermore, Applicants have submitted an Amendment After Final herewith, to the Office Action that finally received on June 23, 2004.

Applicants have provided this statement of facts as proof of the circumstances that lead to the unintentional abandonment of this application. Applicant would be more than willing to produce any further information or documentation that the Patent Office deems necessary to support the enclosed petition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. McKnight', is written over a horizontal line.

Douglas B. McKnight
CALFEE, HALTER & GRISWOLD LLP
(216) 622-8559



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)****Docket Number (Optional)**
27475/04679First named inventor: **Zapushek**Application No.: **09/780,536**Art Unit: **3676**Filed: **February 12, 2001**Examiner: **S. Barrett**Title: **PIN LOCKING DEVICE & METHOD OF LOCKING**

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee —required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1330 (37 CFR 1.17(m))**2. Reply and/or fee****A. The reply and/or fee to the above-noted Office action in**the form of Amendment after Final (identify type of reply):☐ has been filed previously on _____.☒ is enclosed herewith.**B. The issue fee of \$ _____.**☐ has been paid previously on _____.☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

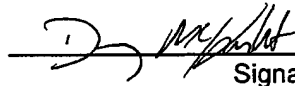
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

7/26/04

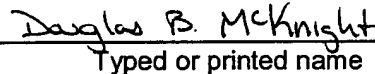
Date



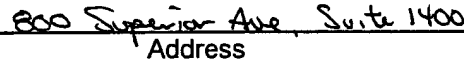
Signature

Telephone

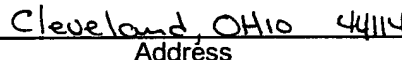
Number: 216 622 8200



Typed or printed name



Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other: Petition to withdraw holding of abandonment; decision on petition


Address

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

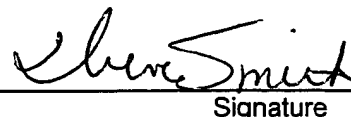
I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

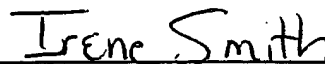
☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

7/26/04

Date



Signature



Type or printed name of person signing certificate



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U. S. Postal Service, with sufficient postage as First Class mail in an envelope addressed to: Office of Petitions, Mail Stop Petition Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on this 26th day of July, 2004.

Irene Smith

(Print Name)

(Signature)

Customer Number

24024

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Zapushek)	Examiner: Suzanne Dino Barrett
)	
Serial No.:	09/780,536)	Confirmation No.: 8389
)	
Filed:	February 12, 2001)	Art Unit: 3676
)	
For:	PIN LOCKING DEVICE)	Attorney Docket No.: 27475/04679
	AND METHOD OF LOCKING)	

AMENDMENT AFTER FINAL

Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This amendment is being submitted with a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) and is made in response to the Final Office Action mailed on June 23, 2003. Please amend the application as indicated herein.